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Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General*

Summary

The Secretary-General has the honour to transmit the fifth report on the situation of human rights in the Islamic Republic of Iran submitted by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the General Assembly in accordance with Human Rights Council resolution 28/21. The Special Rapporteur presented his fourth interim report to the General Assembly at its sixty-ninth session (A/69/356), and submitted his fourth report to the Human Rights Council at its twenty-eighth session (A/HRC/28/70), during which the Human Rights Council extended the mandate of the Special Rapporteur for the fourth time.

The present report does not detail all violations of human rights in the country reported to the Special Rapporteur. However, it provides an overview of the prevailing human rights situation, with a focus on systemic issues that pose obstacles to the ability of the Government of the Islamic Republic of Iran to comply with its international human rights obligations and commitments, including recommendations accepted by the Government at the outcome of its universal periodic review in March 2015.

* Late submission owing to consultations with relevant stakeholders, including the Member State.

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Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the seventieth session of the General Assembly

I. Introduction

1. The Special Rapporteur welcomes the recent nuclear agreement struck between the Islamic Republic of Iran and the P5+1 countries (China, France, Germany, Russian Federation, United Kingdom and United States) on 14 July 2015.[1] Given the close interrelationship between peace, development and human rights, the agreement and subsequent lifting of economic sanctions can potentially have a beneficial multiplier effect on the human rights situation in the country, especially on the enjoyment of economic and social rights.[2]

2. The Special Rapporteur has drawn attention to the apparent ineffectiveness of humanitarian safeguards against the negative impact of economic sanctions on the country's human rights situation since 2012 (see A/67/369, para. 2; A/HRC/22/56, paras. 75-79; A/68/503, paras. 66-75; A/HRC/25/61, para. 92; and A/69/356, paras. 90-97). Economic sanctions have undoubtedly, directly or indirectly, affected the economy, health care and environment. They appear to have contributed to the rising costs of basic commodities, and have seemingly affected access to medicines and medical supplies. These circumstances have also led to the closure of businesses, increased unemployment and have had a dramatic effect on the standard of living (see A/69/356, paras. 93-97; A/67/327, para. 42; and A/68/377, para. 33).

3. The Special Rapporteur expresses his hope that this development will allow the Government to redouble its efforts in furtherance of the protection and promotion of human rights in the Islamic Republic of Iran.[2] The Government has the responsibility to fulfil all of its international legal obligations, and the Special Rapporteur encourages the authorities to make human rights a priority. This includes improving its engagement with the United Nations human rights mechanisms, especially those responsible for monitoring the issues set out in the present report.

4. The authorities remain reticent on repeated requests issued for country visits since 2005 and 2011 by eight thematic special procedures and the country-specific mandate holder, respectively.[3] The Government responded to 1 of 15 communications, including 3 allegation letters and 12 urgent appeals, transmitted between January and September 2015. In its comments on the current report, the authorities communicated that "responses to a number of communications are being translated and will be sent to questioning bodies." It also recalled that "seven thematic Special Procedures mandate holders and working groups of the Council have visited Iran", and that an invitation to the Special Rapporteur on the right to food was recently extended. The Special Rapporteur notes, however, that no mandate holder has visited the country since 2005.

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[1] OHCHR, "UN human rights expert hails nuclear deal with Iran, and calls for the immediate lifting of sanctions", 14 July 2015.

[2] OHCHR, "'Now comes the time to focus on human rights in Iran', UN expert welcomes opportunity created by nuclear deal", 15 July 2015.

[3] See www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx.

5. The Government continues to engage with the Special Rapporteur on the allegations presented in his reports.[4] The Permanent Representative in Geneva and a delegation that included members of the judiciary, the High Council for Human Rights, the Ministry of Foreign Affairs and Chief of the Anti-Narcotics forces held meetings with the Special Rapporteur on 15 and 16 September 2015 to discuss both the gravity of the drug problem facing the Iranian people and the Government's response to these conditions. Information raised in this meeting is provided in the following section.

6. The Special Rapporteur re-examined the 291 recommendations offered by Member States to the Islamic Republic of Iran during the second cycle of its universal periodic review in October 2014, along with the 130 recommendations accepted by the Government at the outcome of that review in March 2015 (see table). Individual recommendations frequently touched on multiple civil, political, social, economic, and cultural rights, and either encouraged the Government to strengthen protections for these rights and/or to cease practices that violate them. The issue of women's full and equal enjoyment of these rights was raised in 57 recommendations forwarded by delegations from five regional groups and constituted the most frequently raised issue of concern during the review.

Overview of issues raised and recommendations, by human rights issue

Categories	*Number of times issues were raised in 291 recommendations*	*Percentage of issues raised in 291 recommendations*	*Number of recommendations accepted*	*Percentage of recommendations accepted*
Civil and political rights	131	31.1	18	13.7
Women/gender equality (including to ratify CEDAW)	57	19.58	37	64.91
Social, cultural and economic rights	46	10.9	44	95.7
Promote human rights nationally	44	10.5	32	72.7
Ratify conventions (not including CEDAW)	40	9.5	1	2.5
Religious minorities	26	6.2	3	11.5
Rights of the child	13	3.1	10	76.9
Rights of the disabled	13	3.1	11	84.6
LGBT	12	2.9	0	0.0
Ethnic minority rights	7	1.7	2	28.6
Rights of the elderly	2	0.5	2	100.0
Total	**391**	**100**	**165**	

Abbreviations: CEDAW, Convention on the Elimination of All Forms of Discrimination against Women; LGBT, lesbian, gay, bisexual and transgender.

Note: The majority of recommendations accepted by the Government raised 46 separate issues related to the promotion of social, cultural, and economic rights.

7. The Special Rapporteur notes that a number of recommendations rejected by the Government represent courses of action that would be conducive to both

[4] See website of the Special Rapporteur, at http://shaheedoniran.org.

strengthening protections for civil and political rights and to advancing those recommendations accepted by the Government that would better safeguard the rights of women. This includes all 14 rejected recommendations that urged the Government to ratify the Convention on the Elimination of all Forms of Discrimination against Women, to eliminate barriers to women's equal participation in education and employment or to provide additional legislative protections for women and children against domestic violence.

8. Information provided by civil society, the Government and individuals that alleged violations of their rights or the rights of others during the reporting period illustrate some of the most pressing challenges to ameliorating concerns raised during the universal periodic review in 2014. This includes information gathered from more than 40 interviews during visits to Cologne, Germany, Oslo and Madrid from 13 to 20 May 2015. Information from an additional 30 interviews was collected via Skype between 1 January and 30 June 2015 from individuals located inside and outside the Islamic Republic of Iran. Reports submitted during the reporting period by human rights organizations and defenders located inside and outside the country were also examined, in addition to laws, draft legislations, government statements and reports, and certain details directly transmitted by the Government in response to requests for information.

II. Civil and political rights

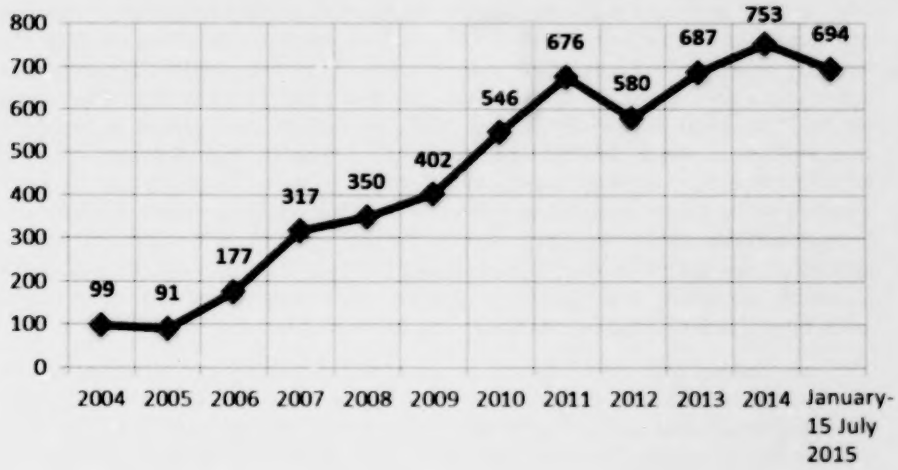
A. Right to life

9. Dozens of recommendations from the outcome of the universal periodic review added to longstanding calls upon the Islamic Republic of Iran to reconsider its use of the death penalty. Member States urged the Government to take urgent steps to, at a minimum, apply capital punishment in line with international standards, including by reserving its application for the "most serious" offences, and by restricting its use to individuals that were over the age of 18 years at the time the offence was committed. The recommendations also called upon the Government to consider abandoning stoning as a form of punishment and urged it to place a moratorium on all executions with a view to its abolition.

10. The Islamic Republic of Iran continues, however, to execute more individuals per capita than any other country in the world. Executions have been rising at an exponential rate since 2005 and peaked in 2014, at a shocking 753 executions. This spate reportedly accelerated at a further staggering rate during the first seven months of this year. At least 694 individuals were reportedly executed by hanging as at 15 September 2015, including at least 10 women and one juvenile. At least 33 executions reportedly took place in public.[5] As shown in figure II, at least 694 executions took place from 1 January to 15 September 2015, likely putting the execution rate during the first half of 2015 at its highest in some 25 years.

[5] See www.amnesty.org/en/latest/news/2015/07/irans-staggering-execution-spree/.

Figure I
Executions in the Islamic Republic of Iran, 2004 to 15 July 2015



11. The authorities denied the occurrence of a majority of executions documented by human rights organizations during the reporting period, and requested specific proof of their occurrence in response to a recent joint statement issued by the Special Procedures mandate holders that denounced the upsurge in executions earlier in 2015.[6] Various human rights organizations have published the identity of the majority of those reportedly executed in 2014 and 2015, along with the names of the detention centres where capital sentences were allegedly implemented.[7] In its comments on the present report, the authorities asserted that the varied nature of the details presented by human rights organizations demonstrate their lack of authenticity.

12. The apparent escalation in executions is seemingly related to the response of the Islamic Republic of Iran to the increasing influx of drugs and rising levels of drug abuse in the country. At least 69 per cent of executions during the first six months of 2015 were reportedly for drug-related offences. The Government holds the view that the implications posed by drug-trafficking to the health and security of the Iranian people render drug-related offences "most serious" crimes and, therefore, they deserve to be considered capital offences.

13. Iranian officials report that at least 255,000 individuals were arrested on suspicion of drug-related offences from March 2011 to March 2012; a 7 per cent increase in the number of these arrests from previous years, and that by some official estimates, at least 70 per cent of the prison population of the country is reportedly incarcerated for drug-related offences. Some Iranian experts on drug abuse and harm reduction report that increased economic pressures resulting from

[6] See http://en.humanrights-iran.ir/news-22714.aspx.
[7] See www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html.

sanctions may have caused more risky behaviour among some drug users in the country despite access to information on HIV/AIDS and harm-reduction tools.[8]

14. During meetings with the Special Rapporteur in September 2015, Iranian officials asserted that over at least 4,000 and as many as 10,000 individuals die annually as a result of drug abuse in the country. They reported that 12,000 police agents were also injured or killed in the past five years in more than 700 "armed clashes" to combat drug-trafficking. Officials assert that capital punishment functions as a sound deterrent to would-be criminals. They reported that the punishment is only applied to perpetrators guilty of importing exceptionally large quantities of narcotics regarded as serious by the Government, including opium and crystal methamphetamines, and that sufficient judicial safeguards to ensure defendants are not wrongfully convicted are in place and observed. Officials also pointed to statements about its efforts issued by the United Nations Office on Drugs and Crime to demonstrate international support for its approach.[9]

15. An ongoing national discussion on the underlying social and economic causes of drug abuse in the country has raised some contrasting views. Several parliamentarians and judicial officials began examining the merits of the drug policies in addressing the phenomenon in late 2014, emphasizing the need to examine new approaches. Earlier this year, several Iranian lawyers joined these officials in exploring the deterrent effect of capital punishment. Some lawyers asserted that the large number of drug-related arrests and convictions demonstrate that the country's drug laws have been ineffective, but warned that the laws' lack of deterrence "should not be translated into intensifying the punishment". Others added that, "reducing prison sentences will not be effective without eradicating the root causes of drug trafficking".

16. The Secretary-General of the High Council for Human Rights in the Islamic Republic of Iran, Mohammad Javad Larijani, indicated that the use of capital punishment for drug-related crimes was currently under review.[10] In an interview in 2014, he stated, "if we are successful, if the law passes the parliament, almost 80 per cent of the executions will go away."

17. Reports also persist of individuals being sentenced to death for their beliefs. On 1 August 2015, Mohammad Ali Taheri, a well-known author of alternative medical theories and founder of the group, Erfan-e-Halgheh, a self-described arts and culture institute in Tehran, was reportedly sentenced to death on charges of "sowing corruption on Earth". The sentence was issued while Mr. Taheri was already serving a five-year sentence for the crime of "insulting [religious] sanctities" in relation to his peaceful activities.[11] Mr. Taheri was first arrested in 2010 on charges of "acting against national security" and was reportedly held in solitary confinement for 67 days before his release.[12]

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[8] Abbas Deilamizade and Sara Esmizade, "Economic sanctions against Iran, and drug use in Tehran, Iran: a 2013 pilot study", Informa Healthcare USA, 2015.

[9] See www.unodc.org/islamicrepublicofiran/en/news-and-mutilmedia.html.

[10] See www.al-monitor.com/pulse/originals/2014/12/iran-end-death-penalty-drug-cases.html#ixzz3gB03KBUw.

[11] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16294&LangID=E.

[12] See www.iranhumanrights.org/2014/11/mohammad-ali-taheri/.

B. Right against torture and other cruel, inhuman or degrading treatment or punishment

18. Several troubling cases of corporal punishment occurred during the reporting period. In January 2015, a young man identified as "Hamid S." reportedly underwent the surgical removal of his left eye and right ear after a 2005 incident in which he attacked another man with acid, causing the victim to lose an eye and an ear.[13]

19. A man was reportedly also forcibly blinded in March 2015 as a result of *qisas*, or "retribution-in-kind" punishment, for throwing acid on another man in 2009.[14] Official reports also indicate that on 26 June 2015, the authorities carried out two amputation sentences for theft in the Central Prison of Mashhad.[15]

20. According to a semi-official news outlet, more than 480 persons were flogged during the first 15 days of Ramadan for not fasting. The Government maintains that only three individuals were subject to this punishment for their non-observance of the fasting practice.

21. Authorities assert that the aforementioned punishments do not constitute "torture", and that they serve as a deterrent to certain crimes and as an alternative to incarceration. These penalties have long been regarded by the United Nations Human Rights Committee as incompatible with article 7 of the International Covenant on Civil and Political Rights (see A/67/327, para. 7).

C. Right of freedom of expression, association and peaceful assembly

22. Several laws and practices continue to undermine the rights to freedom of expression, association, and peaceful assembly in the Islamic Republic of Iran. Individuals continue to relay reports detailing arbitrary detention for the legitimate exercise for these rights. At least 46 journalists and social media activists were reportedly either in detention or sentenced for their peaceful activities as at April 2015.[16] A small number of these journalists have since been released.[17]

23. Journalists, writers, social media activists and human rights defenders continued to be interrogated and arrested by government agencies — including by the Iranian Revolutionary Guards Corps (IRGC) and cyber-policing units — during the first half of 2015. The judiciary also reportedly continues to impose heavy prison sentences on individuals that peacefully exercise their right to freedom of expression for crimes such as "propaganda against the State", "insulting" political or religious figures, and harming "national security".

24. In May 2015, a revolutionary court sentenced Atena Faraghdani to more than 12 years in prison for "assembly and collusion against national security", "propaganda against the State", and "insulting the Supreme Leader, the President,

[13] See http://iranhr.net/2015/01/man-sentenced-to-lose-of-eye-and-ear-in-iran-doctors-deny-carrying-out-the-sentence/ and http://metro.co.uk/2015/03/06/surgeon-gouges-out-iranian-mans-eye-as-punishment-for-acid-attack-5092033/.

[14] See www.amnesty.org/en/latest/news/2015/03/iran-eye-for-an-eye-acid-retribution/.

[15] See http://iranhr.net/2015/06/iranian-authorities-amputate-hands-of-two-prisoners-in-mashhad-prison-during-ramadan/.

[16] See http://en.rsf.org/iran-islamic-republic-urged-to-free-all-10-04-2015,47775.html.

[17] See http://en.rsf.org/iran-press-freedom-violations-recounted-21-01-2015,47521.html.

Members of the Parliament, and IRGC agents".[18] Evidence used against her allegedly included her activism with the families of former detainees who were reportedly killed while in custody during the post-election protests in 2009, and cartoons she drew that depicted Iranian officials in a satirical manner. On 15 June 2015, her lawyer was reportedly arrested after shaking Ms. Faraghdani's hand during a meeting with her in prison.

25. In its comments on the present report, officials added that Ms. Faraghdani was also charged with "maintaining immoral CDs and insulting law enforcement officers during their interrogation", and that "it should be noted that her various crimes have no connection to healthy and legal social activities". It was also noted that the sentence against Ms. Faraghdani is subject to review and that she has been released on bail. The Special Rapporteur notes, however, that Ms. Faraghdani was in prison during the drafting of the present report.

26. In May 2015, the children's rights activist, Atena Daemi, was sentenced to 14 years in prison. She was tried on charges of "assembly and collusion against national security", "propaganda against the State", "insulting the Supreme Leader and the sacred", and "concealing [criminal] evidence". Evidence presented against her in court apparently included jokes and a protest song saved on her personal phone. Ms. Daemi was also reportedly prosecuted on suspicion that she was withholding the Facebook password of a colleague that she refused to reveal.[19] Ms. Daemi's sentence is subject to appeal.

27. In February, the Tehran Prosecutor, Jafari Dolat Abadi, reportedly announced an extrajudicial media ban on any mention of the former President, Mohammad Khatami. On 16 February 2015, the judiciary's First Deputy confirmed a National Security Council media ban on publishing photos and articles about Mr. Khatami for his alleged role in "leading the sedition" (a term used by some officials to describe the post-2009 election protests). An editor of the judiciary-affiliated *Mizan News* was allegedly expelled after publishing a letter conveying the condolences of the Minister of Justice, Mostafa Pourmohamadi, to Mr. Khatami following the death of his mother. Several officials, including in the Office of the President, have denied that such a ban exists.[20]

28. The reopening of the Association of Iranian Journalists, a 4,000-member labour guild that was shut down in 2009 by the Government, has been reportedly restricted.[21] In its comments on the current report, the Islamic Republic of Iran noted that the current Administration has made efforts to resolve its dispute with the Association and to facilitate its reorganizational resurrection. The Labour Ministry has also reportedly attempted to close the Iranian Freelance Journalists' Association in recent months despite not having a court order to do so.[22] In its comments on the current report, the Government alleges that the Association of Iranian Journalists and the Iranian Freelance Journalists' Association are the same organizations.

29. On 3 May 2015, the Ministry of Telecommunications and Information Technology unveiled a national search engine, "Parsijoo". The key-word search

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16042&LangID=E.

[19] See www.iranhumanrights.org/2015/05/atena-daemi-2/.

[20] President Rouhani's press conference of 13 June 2015.

[21] See https://cpj.org/2015/04/10-most-censored-countries.php.

[22] Information submitted to the Special Rapporteur in May and June 2015.

programme reportedly presents users with ranked lists of the websites sanctioned by the Government, rather than websites ranked by their relevance to users' searches, and/or by their popularity. In May 2015, authorities also announced that access to Facebook would continue to be blocked.[23]

30. The launch of a new messaging service for mobile phones, "Salam", was also announced. The application allegedly represents ongoing efforts to replicate international online applications and services with State-sanctioned technology that will allow the monitoring of user content.[24] In its comments on the current report, the Islamic Republic of Iran rejected allegations that this new messaging service would allow State officials to monitor user communications.

31. At least 233 labour-related protests took place in the Islamic Republic of Iran between March 2014 and March 2015, with at least 230 arrests of protestors. On 16 April and 8 May 2015, thousands of teachers and their supporters gathered in front of government buildings across the country to demand a wage increase and the release of imprisoned teachers.[25] In its comments on the current report, the Islamic Republic of Iran noted that Iranian law recognizes the right of unions to peacefully protest.

32. In April 2015, just prior to the International Labour Day celebrations, five labour rights advocates, Ebrahim Madadi and Davood Razavi, of the Union of Workers of the Tehran and Suburbs Bus Company, and Mamoud Salehi, Osman Ismaili, and Reza Amjadi, were arrested. Mr. Amjadi, the head of the Iran Teachers Organization, was apparently arrested in connection to a previously issued five-year prison sentence for his peaceful activities.[26]

33. Esmail Abdi, a member of the Board of Directors of the teacher's union, was also reportedly arrested in June 2015, possibly to begin serving a prior 10-year sentence. On 28 June 2015, Farzad Moradinia, a member of the Coordinating Council for Labour Unions, was sentenced to two years in prison. The Government denies that these individuals were arrested for peaceful labour rights activities, and maintains that they were arrested for their links to the "Komala terrorist group". It also noted that protests and gatherings require prior approval from government authorities.

34. Saeed Shirzad, a child rights activist, continues to be detained without formal charge or access to legal counsel. He has reportedly refused to attend court sessions without access to a lawyer.[27] The authorities claim that Mr. Shirzad was charged with "gathering and colluding ... against national security" and "disturbing the public peace". Labour rights activists Reza Shahabi, Sharokh Zamani, Rasoul Bodaghi, Mahmoud Bagheri, and Behnam Ebrahimzadeh, and several others remain in prison or continue to serve heavy sentences apparently because of their peaceful activities. In its comments on the present report, the Government noted that these individuals were serving sentences for crimes such as "propaganda against the Islamic Republic of Iran", "disturbing public peace", and acting "against national

[23] See www.iranhumanrights.org/2015/05/new-search-engine/; www.iranhumanrights.org/2015/05/basij-messaging-app-viber/; and www.iranhumanrights.org/2015/05/officials-re-affirm-facebook-blocked/.

[24] See www.iranhumanrights.org/2015/05/basij-messaging-app-viber/.

[25] See www.iranhumanrights.org/2015/05/workers-protest-hamedan/.

[26] See www.iranhumanrights.org/2015/04/international-workers-day/.

[27] Information submitted to the Office of the Special Rapporteur in July 2015.

security". On 13 September 2015, Mr. Zamani died reportedly of a stroke in Rajai Shahr prison.[28]

D. Right to a fair trial

1. Criminal procedure law

35. The Parliament adopted a number of amendments to the new Criminal Procedure Law, which came into effect on 22 June 2015. These amendments appear to have weakened or abrogated some of the positive measures adopted at the outcome of the initial review of the law in 2014.[29] This includes provisions that would have significantly improved access to legal counsel for those accused of criminal offences during the investigative phases of their trials.

36. Amendments would restrict access to lawyers for up to a week in "national security" and in capital cases that carry the death penalty. The Special Rapporteur notes that women's rights and labour rights activists, journalists, religious minorities and lawyers are often charged with national security crimes, including "propaganda against the system". He further notes that individuals reporting violations of their rights while in detention, including torture for the purposes of securing coerced confessions, often assert that these abuses took place during the investigative and pretrial phases of their cases. In its comments on the present report, the Government stated that, "claims of torture in any stages of [the] judicial process are unexpected", and noted that the "use of coerced confessions is strictly prohibited under Iranian law".

37. Additional amendments to the new law now require individuals accused of national security, capital, political or press crimes, and those accused of offences that incur life sentences, to select their counsel from an official pool of lawyers chosen by the Head of the Judiciary. The Guardian Council approved the new amendments on 17 June 2015. On 6 July 2015, the Iranian Bar Association reportedly called upon the Head of Judiciary, the Parliament and President to reconsider the new amendments.

2. Formal Attorneyship Bill

38. The Formal Attorneyship Bill, which envisions significant government influence over the activities of the Iranian Bar Association is currently being considered by the Parliament (see A/HRC/28/70, paras. 22 and 23). Human rights defenders and lawyers continue to challenge provisions that would bring the relatively independent association under greater supervision of government officials, which would "decide who can become a lawyer, how they should be disciplined, and whether or not they should be able to continue their practices". The bill is reportedly in its final phase of approval.[30]

[28] See www.iranhumanrights.org/2015/09/shahrokh-zamani-death/.

[29] See www.amnesty.org/en/documents/mde13/1943/2015/en/.

[30] See www.iranhumanrights.org/2015/07/parliamentary-threaten-legal-profession/.

E. Right to take part in the conduct of public affairs

39. Elections for the Parliament and Assembly of Experts are scheduled for 26 February 2016. Candidates for the Parliament will contest 290 Majilis seats,[31] and candidates for the Assembly of Experts will contest 99 seats. Members of recognized religious minority communities are currently granted only five seats in Parliament by law: Zoroastrians (1), Jews (1) Chaldeans and Assyrians (1) and Armenian Christians (2).

40. The Assembly of Experts is currently comprised of 86 members that are elected for a term of eight years.[32] Members of the Assembly of Experts are mandated to select or dismiss the Supreme Leader.[33] Only individuals that possess *ijtihad* (the capacity to undertake independent reasoning under sharia law) to the degree that they can understand contemporary issues can contest elections for the Assembly of Experts. No non-Muslim or woman has ever been approved to sit on the Assembly of Expert elections.[34]

41. The Guardian Council, a 12-member body responsible for ensuring that laws comply with both Islamic principles and the Constitution, is responsible for "supervising" parliamentary and Assembly of Experts elections.[35] Six members of the Council selected by the Supreme Leader "must be experts on Islamic jurisprudence".[36] The other six members, nominated by the Head of the Judiciary and approved by the Parliament, must be "Islamic jurists" versed in various areas of the law.[37] No non-Muslim or woman has ever been approved to sit on the Guardian Council.

42. Prior to the 2004 parliamentary elections, the Guardian Council vetoed legislation aimed at restricting its power to disqualify candidates. The proposed bill was intended to amend the election law and required the Council to reinstate all disqualified candidates unless their exclusion could be supported by legal documentation.[38]

43. The Council continues to exercise broad powers in deciding which candidates may be on the ballot, and the electorate's choices are apparently restricted to these pre-approved candidates. In its comments on the present report, the Government stated that the qualification processes "provide the possibility for all spectra of people to participate in the parliament, qualification process and examination of candidates' competency, ensures the elimination of candidates with criminal records".

44. The Council disqualifies candidates based on information gathered by several agencies, including the Intelligence Ministry, the judiciary and the police. These agencies reportedly review the records of all candidates to ensure that they satisfy subjective and often-discriminatory criteria set by election laws.[39] This includes

[31] Art. 2 of the Islamic Parliament election law.
[32] Art. 5 of the Assembly of Experts election law.
[33] Arts. 105, 108, 109 and 111 of the Constitution.
[34] Art.2 of the Islamic Parliament election law, and art. 3 of the Assembly of Experts election law.
[35] Art. 99 of the Constitution.
[36] Art. 91 of the Constitution.
[37] Arts. 91 and 157 of the Constitution.
[38] See www.sptimes.com/2004/01/26/Worldandnation/Rebuff_by_hard_liners.shtml.
[39] See www.irrw.org/news/2012/03/01/iran-fair-vote-impossible.

laws governing parliamentary elections, which stipulate that candidates must be "blessed with vision, hearing, and speaking" capabilities.[40]

45. In March 2015, Ali Saberi, a member of Tehran City Council who is blind, referred to the election of two people with disabilities to the Tehran City Council and expressed hope for the removal of barriers for the participation of persons with disabilities for parliamentary elections. In April 2015, the head of the Parliament's Fraction on Protecting the Rights of the Disabled, Fatemeh Alia, stated that a proposal to amend the election law to allow for the participation of disabled persons had yet to receive adequate support.

46. Candidates for Parliament must also, possess a "belief and practical commitment to Islam and the sacred State of the Islamic Republic of Iran", and must express their "commitment to the Constitution and the progressive article of the Guardianship of Islamic Jurist".[40] Members of recognized religious minorities are exempted from a practical commitment to Islam. The law also prohibits individuals that are either affiliated with, or support parties, organizations and groups deemed illegal, from seeking office, including individuals affiliated with illegal human rights organizations. Individuals previously convicted of acting against the Islamic Republic of Iran, those convicted of apostasy, or sentenced to certain sharia punishments are also prohibited from running in these elections.

47. Qualification criteria for elections contravene article 25 of the International Covenant on Civil and Political Rights, necessitating the recognition and protection of citizens' rights to take part in the conduct of public affairs, to vote, to be elected, and to have access to public service without "unreasonable restrictions". Qualification criteria also contravene the Convention on the Rights of Persons with Disabilities, which guarantees, in article 29, section a (ii), the rights of persons with disabilities, "to stand for elections, effectively hold office and perform all public functions at all levels of government". In its comments on the present report, the Government refutes the contention that qualification criteria for elections violate its international legal obligations.

48. Some lawmakers have asserted that the screening process for parliamentary candidates is non-transparent and politicized, restricting their ability to represent their constituencies. In May 2015, a member of Parliament stated that fear of disqualification is a primary reason for the lack of political will among parliamentarians to address the house arrest of 2009 presidential election candidates, Mehdi Karoubi and Mir Hossein Mousavi, and his wife, Zahra Rahnavard, whose arrests were considered arbitrary by the United Nations Working Group on Arbitrary Detention. In its comments on the present report, the Government asserted that, "many controversial and important issues are raised by members of parliament" who "enjoy legal immunity for expressing their opinions and performing their duties".

49. In September 2014, the spokesperson for the Guardian Council, Nejatollah Ebrahimian, maintained that "the record, behaviour, conduct, and manner of individuals in their personal and social life could sometimes cause us to comment on the issue of their commitment to sharia and the Constitution and other qualifications", and that "individuals considered to be seditionists" would not meet qualifications for office under the law. Mr. Ebrahimian later maintained that

[40] Art. 28 of the Islamic Parliament election law.

candidates are only required to complete the appropriate applications required for the registration process in January 2015.

1. Law restricting freedom of expression during elections

50. Publishing information against qualified candidates is prohibited in the Islamic Republic of Iran. Individuals that publish "libellous" or "insulting" statements against a qualified candidate will be prosecuted under the Islamic Penal Code.[41] Candidates and their supporters are not allowed to criticize other candidates, but only allowed to discuss their own qualification or the competencies of their favoured candidates.[42]

51. Disrupting the elections, including by protest,[43] and publishing content with the intent of encouraging boycotts or reducing voter participation is prohibited.[44] The publication and propagation of "anti-revolutionary and enemy group views",[45] of libel or satire, or any insulting content against the elections on the Internet is against the law.[46] The use of images of females as a "tool" in campaign ads and/or the depiction of women in campaign advertisements that do not observe Islamic values under the law is also strictly prohibited.[47]

2. Bill on the formation and activities of political parties and groups

52. In April 2015, the Parliament reportedly resumed its review of a bill that reportedly prohibits a range of individuals from establishing a political party, and/or from becoming a member of one. This includes hundreds of lawyers, journalists, and human rights activists that appear to have been prosecuted for legitimate exercise of the aforementioned rights (see A/HRC/28/70, paras. 41-45).

53. The bill will also require individuals to apply for permits to form political parties and to conduct party activities. Applicants must explicitly state adherence to the Constitution and the principle of the Guardianship of the Islamic jurist. In its comment on the bill in June 2015, the Guardian Council stated that the worldview, intellectual and ideological foundations of political parties should not contravene Islamic principles. The Council also declared that restrictions in the bill that prevent active members of legally dissolved parties from joining other political parties are unconstitutional.

54. In 2011, the United Nations Human Rights Committee expressed concern over the dissolution by court order of two pro-reform political parties, the Islamic Iran Participation Front (also known as *hezb-e mosharekat*) and the Mojahedin of the Islamic Revolution (see CCPR/C/IRN/CO/3, para. 29). The legal status of the two political parties remains somewhat unclear today. In its comments on the present report, the Government maintains that authorities dissolved the parties in part because their leaders and members were involved in the 2009 post-election protests. The Government also notes that in both cases decisions by the authorities to

[41] Islamic Parliament election law, art. 64.
[42] Ibid., art. 65.
[43] Ibid., art. 66.
[44] Working Group on Determining Instances of Criminal Content, art. 21 of the 2009 Computer Crimes Law, sect. H, 1.
[45] Ibid., sect. H, 3.
[46] Ibid., sect. H, 4.
[47] Ibid., sect. H, 10.

dissolve the parties are final, and that the cases have "been examined by a competent court".

3. Female participation in elections

55. The Islamic Republic of Iran ranked 135 of the 142 countries assessed by the World Economic Forum for women's political empowerment in 2014.[48] Although the number of women elected in city and village councils increased from 1,491 in 2006 to 6,092 in 2013, a gradual decline in the number of female candidates contesting parliamentary elections over the past decade can be observed. In 2003, 823 female candidates registered to contest the elections, 585 registered in 2007 and 249 registered in 2013. Women now only occupy 3 per cent of the seats in the parliament and 3.4 per cent in city and village councils across the country.[49]

56. In its comments on the present report, the Government noted that "there is no limit for women to participate in elections whether as voters or as candidates", and that the administration of President Rouhani had undertaken several policy proposals to increase the participation of women in the public sector. The Special Rapporteur welcomes the Government's consideration of programmes to encourage female participation in elections.

III. Women's rights

A. Participation in the economy

57. The Islamic Republic of Iran fully or partially accepted 37 of the 57 recommendations related to women's rights at the outcome of its 2014 universal periodic review. The recommendations that urged the Government to reconsider the provisions in the Islamic Penal Code that discriminate against women, and to criminalize domestic violence, including marital rape, were rejected.

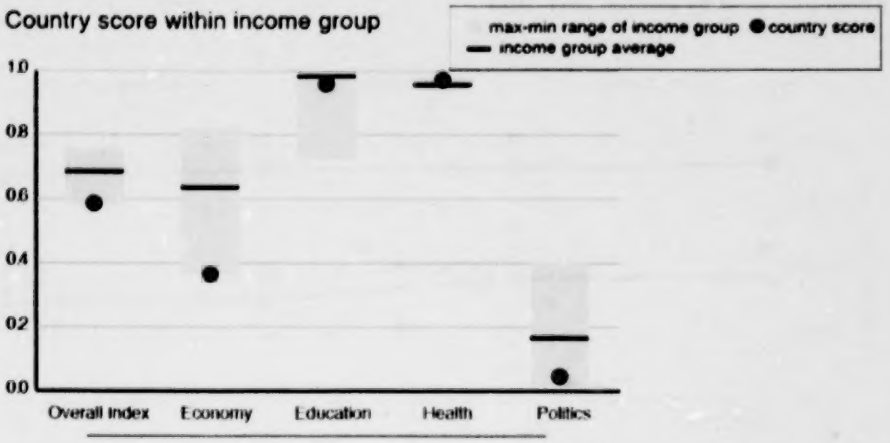
58. Gender-based discrimination in matters of civil, political, social and economic rights continue to overshadow the remarkable advances the Islamic Republic of Iran has achieved in women's education and health. The country also remains in the bottom fifth percentile of 142 countries in overall equality for women.[48]

59. In a table produced by the World Economic Forum, women in the Islamic Republic of Iran rank at the bottom of countries within its own income group in both economic participation and political empowerment. In its comments on the present report, the Government noted that gender-based quotas in education should not be seen as restrictions, and that such quotas also exist for male students. It also noted that the rate of economic participation for women has increased in recent years, and the Government of President Rouhani has proposed policies to further empower women economically.

[48] See World Economic Forum, *The Global Gender Gap Report 2014*, available from http://reports.weforum.org/global-gender-gap-report-2014/.

[49] "20 *20: women's achievement in the Islamic Republic of Iran", prepared by the Vice-Presidency for Women and Family Affairs.

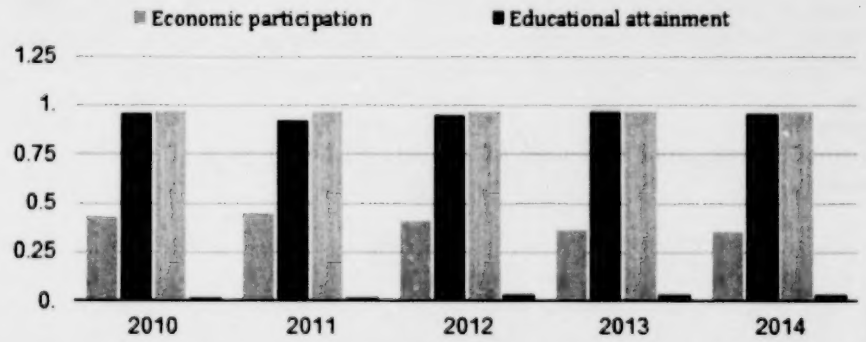
Figure II



Source: World Economic Forum, *The Gender Gap Report 2014*.

Figure III

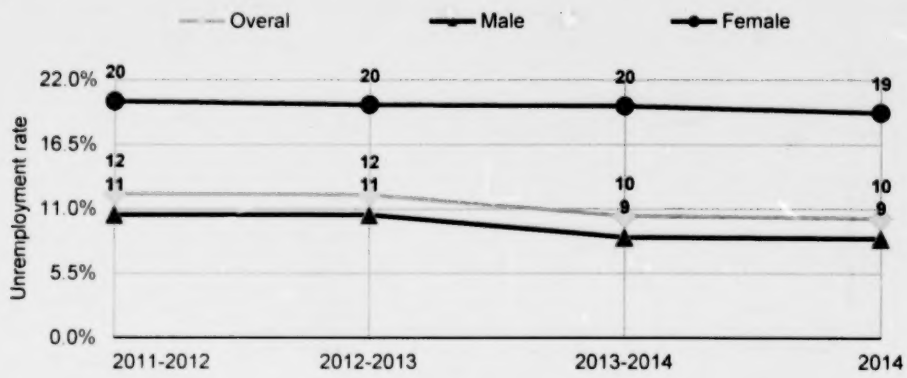
Economic participation and educational attainment, 2010-2014



Note: Gender-based restrictions in post-secondary education persist, economic participation has seen relatively no improvement and political empowerment has remained extremely low.

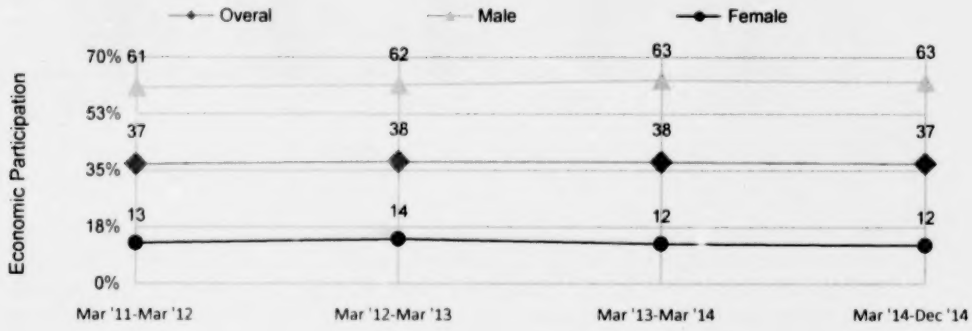
60. Significant disparities in participation between men and women in the job market also persist. On 11 April 2015, the Minister of Labour, Ali Rabiee, noted that female unemployment in the Islamic Republic of Iran was twice as high as male unemployment and that women had migrated to seasonal and service-sector employment. In its comments on the current report, the Government noted that the high unemployment figures for women were reflective of broader global trends, the impact of sanctions, and religious, social and cultural attitudes in the country.

Figure IV
Unemployment by gender, 2011-2014
(Percentage)



61. On 11 April 2015, the Vice-President for Women and Family Affairs, Shahindokht Mowlaverdi, highlighted gender discrimination in the 2015 comprehensive hiring exam for public sector employment in the Islamic Republic of Iran. Candidates taking the exam, according to her, competed for 2,416 positions offered by the various government agencies, including the Economic Affairs Ministry, the Court of Administrative Justice. Ms. Mowlaverdi announced that 2,400 were reserved for men and only 16 positions were earmarked for women.

Figure V
Economic participation by gender, March 2011-December 2014
(Percentage)



B. "Plan to protect promoters of virtue and preventers of vice"

62. A "Plan to protect promoters of virtue and preventers of vice" was adopted by the Parliament on 22 April 2015, after the Guardian Council rejected two previous drafts. The law, which was first introduced by the Parliament on 22 June 2014, encourages Iranian citizens to enforce laws that prohibit acts considered to be vices under Islamic sharia law (art. 1). This includes strict enforcement of *hijab* (female dress) for all Iranian women.

63. Human rights defenders in the country joined the administration of President Rouhani in raising concern about the passage of the bill, asserting that the bill empowers "unofficial and unaccountable forces" and could possibly undermine human rights in the country.[50] On 19 October 2014, the Interior Minister announced that it had transmitted a letter to the Parliament requesting that the bill be reconsidered in parliamentary commissions before its introduction to the floor. The Vice-President of Parliamentary Affairs, Majid Ansari, also criticized the bill for establishing an office that would not operate under the supervision of the Government. In its comments on the present report, the Government noted that the principle of promoting virtue and preventing vice was codified under article 8 of the Iranian Constitution, and that training volunteers to work "alongside ... official forces" would allow the authorities to enforce their "legal duties more expeditiously".

C. Equal access to public venues: sport stadiums

64. On 1 June 2015, the Vice-President for Women and Family Affairs, Ms. Mowlaverdi, announced that the administration of President Rouhani had signed an order to allow women to enter volleyball stadiums to watch the men's national team compete during the 2015 World League in Tehran. The Interior Minister, Abdolreza Rahmani Fazli, maintained, however, that "no new decisions have been made about women's presence in sports stadiums. Following the announcement, handwritten leaflets were reportedly distributed by a group called "Ansar-e Hezbollah", asking people to gather in front of stadiums to resist the "obscenity of immodest women" and to "prevent sport authorities from allowing vice". The administration has maintained that such demonstrations are illegal and called on the judiciary and relevant authorities to act.[51] Women were subsequently prevented from attending the national team World League matches on 19 and 21 June 2015 in the Azadi Stadium in Tehran. In its comments on the present report, the Government cited a United Nations study which allegedly provides statistics showing that "sports stadiums are risky places where violence against women is very likely to happen".

D. "The plan to reduce the working hours of women with special conditions"

65. Opponents of draft legislation under consideration by the Parliament intended to have an impact on the working hours of women may create unintentional barriers to their participation in the workforce. The bill would reduce the working hours of women from 44 hours to 36 hours a week without reducing their total salaries. The bill would primarily affect women from female-headed households, those with children under the age of seven years, and women with children or spouses with disabilities or incurable and chronic diseases.

66. On 15 July 2014, the Vice-President for Women and Family Affairs, Ms. Mowlaverdi, announced that an attempt by her office to introduce draft language for men in similar situations was rejected by the Parliament. Opponents of

[50] See www.iranhumanrights.org/2015/05/lawyer-plan-to-promote-virtue/.

[51] Statement by the spokesperson for the administration, Mr. Nobakht, on 8 June 2015.

the bill warn that without offering tax exemption incentives for employers, the bill would threaten women's job security.[52] The Special Rapporteur notes that in the absence of anti-discrimination laws affecting the hiring process, the seemingly generous incentives in this draft bill may further discourage employers from hiring women who would work less for equal pay. He also expresses concern that the bill would contribute to the already high unemployment rate for women in the Islamic Republic of Iran, and in particular to the unemployment rate of female-headed households, which has reportedly increased to 82 per cent.

E. Violence against women

67. The Special Rapporteur has noted several initial advancements to prevent certain forms of violence against women and to support the victims of domestic violence. In February 2015, the Social Deputy of the State Welfare Organization announced the establishment of 18 safe houses across the country to provide services to vulnerable women. On 22 June 2015, the Vice-President for Women and Family Affairs announced that a draft bill aimed at increasing penalties for perpetrators of acid attacks was submitted to the administration. Despite these developments, the civil code continues to require women seeking a divorce because of domestic violence to prove that the abuse they endured was of an intolerable nature (*osr va haraj*). In its comments on the present report, the Government noted that the principle of *osr va haraj*, or "distress and constriction", does not mean that women need to establish that they were subjected to "serious violence".

68. Iranian law criminalizes the mutilation of female genital organs and provides some degree of protection to women, but these provisions do not appear to be effectively enforced. Female genital mutilation is reportedly practiced in certain parts of the country, and appears to predominantly affect girls under the age of 10 years.[53] Although there are no official statistics on the scale of this practice, it is reportedly prevalent in the provinces of Hormozgan, Kermanshah, Kurdistan and Western Azerbaijan.[54] According to a report released in 2015, 60 per cent of women in the southern province of Hormozgan and its nearby islands have reportedly undergone the procedure. In Western Azerbaijan, Kurdistan and Kermanshah provinces, approximately 18 per cent of women are reportedly circumcised.[55] In its comments on the present report, the Government discussed its efforts to work with civil society actors to raise awareness, but questioned the validity of the information presented in the report. No supplemental or contradictory details were provided.

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[52] Interview with the adviser to the Minister of Labour, Moslem Khani.

[53] Südwind, "Violations of girl's rights, child marriage and FGM in Iran", 2014, available from www.stopfgmmideast.org/wp-content/uploads/2014/07/Iran-FGM-Child-Marriage-2014.pdf.

[54] Austrian Red Cross, Austrian Centre for Country of Origin and Asylum Research and Documentation (Accord), Iran COI Compilation, September 2013, available from www.refworld.org/pdfid/522ec5aa4.pdf; see also *Women's Health Care*, "Related factors of female genital mutilation in Ravansar (Iran)", 2012, available from www.omicsgroup.org/journals/2167-0420/2167-0420-1-108.pdf.

[55] Ahmady Kameel, *A Comprehensive Study on Female Genital Mutilation/Cutting in Iran*, 2015; see also Stop FGM Middle East, "Iran's country profile", available from http://www.stopfgmmideast.org/countries/iran/.

F. Prosecution of activists

69. On 16 June 2015, Minoo Mortazi Langeroudi, a women's rights activist and member of the Council of Melli Mazhabi Activists, was sentenced by Branch 15 of Tehran's Revolutionary Court to six years in prison on charges of "propaganda against the State" and "assembly and collusion to disrupt national security", in connection with her efforts to establish the group. The Melli Mazhabi Activists represent a number of political activists, writers and intellectual figures. Revolutionary courts have sentenced members of this coalition to prison for their affiliation with this group in recent years. In its comments on the present report, the Government noted that her case is subject to appeal.

70. On 5 May 2015, the former Vice-President of the Defenders of Human Rights Centre, and one of the founders of the death penalty abolitionist group "Step by Step to Stop the Death Penalty", Narges Mohammadi, was arrested by security forces and transferred to Evin prison to serve the remainder of a six-year prison sentence handed down in 2012. Ms. Mohammadi was prosecuted in 2012 for "assembly and collusion to disrupt national security", "membership in the Defenders of Human Rights Centre" and "propaganda against the State".[56]

71. Ms. Mohammadi was released from prison for medical reasons in April 2013. She was reportedly charged with several new offences on 3 May 2015, including "propaganda against the State", "assembly and collusion against national security", and "establishing the anti-security and illegal 'Step by Step to Stop Death Penalty' group".[57] In its comments on the present report, the Government rejected allegations that the judiciary has brought new charges against Ms. Mohammadi, and maintains that she is serving prison time based on her previous six-year sentence.

IV. Ethnic minorities

A. Right to education in mother tongue languages

72. In its review of the Islamic Republic of Iran in 2013 (E/C.12/IRN/CO/2), the Committee on Economic, Social and Cultural Rights expressed concern about severe restrictions on education in the mother tongue languages of ethnic minorities. The Committee also expressed concern that ethnic minorities "do not fully enjoy their right to take part in cultural life, including as a consequence of closures of publications and newspapers in minority languages" (ibid., para. 30). In its comments on the present report, the Government maintained "there are no restrictions or obstacles" allowing ethnic minorities to teach in their mother language.

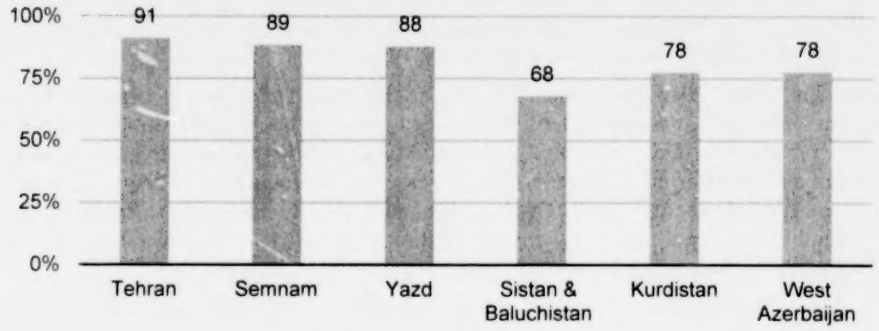
73. Researchers have reported on the poor academic performance and retention rates of bilingual students whose mother language is not Persian in the Islamic Republic of Iran. In December 2011, the Islamic Parliament Research Centre published a 71-page report entitled "A review of education coverage and eliminating illiteracy in the country". The report indicated that areas with largely Persian populations, such as Tehran, Semnan and Yazd, had the highest literacy rates, but

[56] See www.iranhumanrights.org/2015/05/narges-mohammadi-5/.

[57] See www.iranhumanrights.org/2015/05/narges-mohammad-arrested-at-home/.

areas largely populated with ethnic minorities had the lowest literacy rates, including Sistan and Baluchistan, Kurdistan, West Azerbaijan, and Northern Khorasan provinces. More than half of the illiterate population is 50 years of age or older.

Figure VI
Literacy rates in different areas of the Islamic Republic of Iran
(Percentage)



74. The report attributes poverty, discrimination, early marriage among girls and a lack of mandatory primary education in areas dominated by ethnic minority populations to higher illiteracy rates. The report maintains that greater cooperation among various ministries and branches of government, and the enforcement of mandatory programmes for schoolchildren, as detailed by the country's Fourth Development Plan, could be effective in eliminating illiteracy in these areas. In its comments on the present report, the Government disputed the validity of the literacy data and noted that the high rates of illiteracy among older Iranians is reflective of the "policies of the previous regime[s]".

75. In December 2013, the Ministry of Education published its report on the Rouhani administration's first 100 days in office. The report noted a shortage of 24,000 primary school teachers and indicated that educational services for bilingual students under the age of five years were either reduced or terminated "despite its importance in deprived ... areas", in reducing the barriers to education preparedness for ethnic minority students. In its comments on the present report, the Government noted "the allocation of new budgets and employment of qualified persons" to address the education disparities had been undertaken. The Special Rapporteur invites the Government to provide further information on the steps taken.

76. Rights activists in the Islamic Republic of Iran also continue to advocate for the right to use their own language, particularly in education. In June 2014, Kurdish activists reportedly collected a petition with more than 10,000 signatures from Iranian Kurdish citizens calling upon President Rouhani to advance campaign pledges related to education in mother languages.

77. An official Kurdish language lesson book for use in middle schools was launched in February 2015. Copies of the book are reportedly available to download for free on middle school websites in Kurdistan province. The Islamic Azad University in Sanandaj, Kurdistan province, has also reportedly allocated two credits for teaching Kurdish language courses, and Kurdistan University will

reportedly start accepting students for a bachelor's degree in Kurdish language and literature studies starting October 2015.

78. In his report of March 2013 (A/HRC/22/56), the Special Rapporteur reported on the systematic rejection of applications for Balochi-language publications. In February 2015, the Press Supervisory Board reportedly rejected the license application for three bilingual Balochi-Persian publications.[58] The cultural activist, retired teacher and former head of the Zehdan city council, Parviz Bahadorzehi, was also reportedly denied a license to run a bilingual periodical.[58] In its comments on the present report, the Government confirmed that Mr. Bahadorzehi was denied a publication license, but said that he had applied for a new license that was currently under consideration.

B. Freedom of expression, association and peaceful assembly

79. In March 2015, more than 1,800 ethnic Azerbaijani students reportedly signed a petition calling upon President Rouhani to enforce constitutional articles that promulgate guarantees against discrimination. Security officers allegedly arrested Atabak Sepehri, a member of the campaign, for collecting the signatures, and university officials reportedly confiscated the petitions. The signatories of the letter called for cooperation among various branches of government and relevant organizations to develop initiatives for the realization of ethnic rights. In its comments on the present report, the Government maintained that the authorities had arrested Mr. Sepehri because he "committed propaganda to incite extremist hatred", but that he was later released and the charges were dropped.

80. Ethnic minorities were reportedly arrested in connection with protests in the majority-Arab Khouzestan province following the self-immolation of a fruit vendor, Younes Asakereh, in March 2015. Mr. Asakereh reportedly committed the act in objection to the authorities' decision to remove and destroy his fruit stand, and was reportedly denied adequate emergency medical treatment for fatal injuries. The Asakereh family was also reportedly denied access to his body, and officials allegedly detained his father and brother before Mr. Asakereh's burial services. In its comments on the present report, the Government wrote that the authorities had investigated the circumstances surrounding the death of Mr. Asakereh and had concluded that officials were not at fault. They also noted that Mr. Asakereh had "received adequate medical treatment".

81. In April 2015, Ahmad Hazbawi, an Arab from Ahwaz, was allegedly arrested in connection with the publication of a video that appears to show him singing a song in Arabic that praises Saudi Arabia's military action in Yemen, to a jubilant audience at a wedding ceremony in the village of Qalaat Chanan near Ahwaz. His wife was also reportedly detained for several hours after approaching the Ministry of Intelligence to seek information.[59] Authorities reportedly allowed Mr. Hazbawi weekly visitation rights after his arrest.[60] In its comments on the present report, the Government noted that the authorities had charged Mr. Hazbawi with "inciting to violence and supporting war in the region and encouraging ... ethnic conflicts". The

[58] See https://hra-news.org/fa/ethnic-minorities/b-526.
[59] See http://www.hrw.org/news/2015/04/29/iran-sweeping-arrests-ahwazi-arab-activists.
[60] Information submitted to the Office of the Special Rapporteur in June 2015.

Government also alleges that Mr. Hazbawi was only fined for his actions and that he is currently out of prison.

82. On 7 May 2015, people in Mahabad, a Kurdish populated city in West Azerbaijan province, protested following the death of Farinaz Khosravani, a Kurdish woman who reportedly "fell to her death" from the hotel's fourth floor. The protests reportedly took place in response to reports that an official had threatened to rape Ms. Khosravani, which was disputed by a provincial official, with the aim of calling upon the authorities to immediately launch an investigation into the suspicious circumstances surrounding her death.[61]

83. Authorities reportedly confirmed injuries to 25 individuals, including seven police officers, resulting from clashes that reportedly broke out following initially largely peaceful protests.[62] Some Kurdish rights activists maintained that violence erupted, including the throwing of rocks and looting of the hotel, after the authorities attempted to disburse protestors and arrest vocal participants. The authorities reportedly used "batons, tear gas and possibly live ammunition to disperse the crowd". Several of the injured reportedly resisted treatment owing to fear of arrest.[62] Akam Talaj reportedly died on 29 June 2015 as a result of gunshot wounds.[63]

84. The office of the Intelligence Ministry in Mahabad allegedly summoned Ms. Khosravani's parents and warned them against conducting interviews.[64] In its comments on the present report, the Government maintained that the police had arrested 62 persons because they engaged in violent protests; the majority of the arrested persons were later released on bail. The authorities also noted that 14 demonstrators and 53 police officers were injured as a result of the protests, and that there was "no doubt ... that [Mr. Talaj] was shot by gangsters and elements of the riots".

V. Religious minorities

85. The Government accepted 10 of 20 recommendations at the outcome of the 2010 universal periodic review related to its treatment of religious minorities, most of which apparently remain unimplemented. The Government accepted an additional 8 of 36 recommendations related to religious freedom during the universal periodic review in March 2015 (see A/HRC/28/12/Add.1).

86. The Iranian Constitution officially recognizes Islamic schools of jurisprudence other than Shi'ism, and recognizes Zoroastrianism, Judaism, and Christianity as minority religions. Under the law, adherents of these religions are free to perform their religious rites and ceremonies, to conduct personal affairs and address religious education, in accordance with the tenets of their faith. However, reports indicate that members of these faiths, including Christian minorities from Muslim

[61] Interview submitted to the Office of the Special Rapporteur in May 2015; and www.amnesty.org/en/articles/news/2015/05/iran-police-must-exercise-restraint-amid-kurdish-protests/.

[62] https://www.amnesty.org/en/articles/news/2015/05/iran-police-must-exercise-restraint-amid-kurdish-protests/.

[63] Interview submitted to the Office of the Special Rapporteur in May 2015; and http://kurdistanhumanrights.org/latest-on-kurdish-protests-governments-heavy-handed-crackdown-on-protesters/.

[64] Interview submitted to the Office of the Special Rapporteur in May 2015.

backgrounds in particular, continue to face severe restrictions. Adherents of unrecognized religions, such as the Baha'i faith, face severe restrictions and discrimination and are reportedly prosecuted for peacefully manifesting their religious beliefs.

A. Situation of Baha'is

87. At least 74 members of the Baha'i community were detained as at June 2015 following the release of a number of individuals who had reportedly completed their sentences. Ramin Zibaie, Farhad Sedghi, Noushin Khadem and Mahmoud Badavam, who were prosecuted in 2011 for their association with the Baha'i Institute for Higher Education (BIHE),[65] were released after serving their four-year prison sentences in May 2015.[66]

88. Seventeen members of the Baha'i community sentenced to four or five years of imprisonment on charges of "membership of the deviant Baha'i sect with the goal of taking actions against the security of the country" and "collaboration with the BIHE" remain imprisoned.[66] In its comments on the present report, the Government noted that BIHE was "established illegally" and that BIHE was operating "under the guise of educational activities [but] was [furthering the] political and economic goals of an outlawed cult".

89. The authorities allegedly continue to summon, interrogate and arrest Baha'is, and close down businesses belonging to adherents of that faith. The Special Rapporteur also continues to receive reports about the destruction of the cultural sites and of the property of Baha'i community members. This apparently includes the demolition on 22 April of a home owned by imprisoned Baha'i community leader, Jamaloddin Khanjani. Officials reportedly made repeated allegations regarding the property's deed and construction since Mr. Khanjani's arrest, threatening the family with demolition of their ancestral home and restrictions on their agricultural lands. It was reported that the family had received a 48-hour demolition notice from the Intelligence Ministry but that the family had secured orders from a Tehran court to halt the demolition. Despite this, authorities apparently razed the property.[67] In its comments on the present report, the Government maintained that measures "[against] Mr. Khanjani] had absolutely nothing to do with [the] owner's personal beliefs", but instead, resulted from a lack of proper permits for construction.

B. Situation of Christians

90. Christians reportedly continue to be prosecuted for their involvement in informal house churches. On 1 March 2015, Pastor Victor Ben-Tamarz, the former head of the Shahrara Assyrian Pentecostal Church in Tehran who was arrested in December 2014 while performing a Christmas service at his house, was released on bail until his trial. On 15 April 2015, the Shahin Shahr Revolutionary Court upheld the one-year prison sentence and two-year travel ban of 13 Christian converts who

[65] BIHE was an informal initiative that was launched to provide university-level studies to Baha'i youth deprived of the right to higher education in the Islamic Republic of Iran.

[66] See http://news.bahai.org/story/1052.

[67] See www.iranhumanrights.org/2015/04/police-demolish-imprisoned-bahai-home/.

were arrested on 2 February 2013 at a house church and were charged with "propaganda against the State", "advocating for Evangelical Christianity" and "establishing house churches".[68] In its comments on the present report, the Government maintained that "there is no need to establish new churches" because the current ones meet the religious needs of religious minorities", and noted that the activities of "house churches are considered illegal".

C. Nematollahi Gonabadi (Sufi Dervish) community

91. According to rights groups, the authorities allegedly closed down the Reza Nursing Home, a private intermediate care facility that belonged to Ali Akbar Bonakdari, a member of the Nematollahi Gonabadi (Sufi Dervish) community, in connection with his religious beliefs. On 7 June 2015, Branch 101 of the Golpaygan Criminal Court sentenced Abbas Salehian, another member of the Nematollahi Gonabadi Dervish community, to 74 lashes for "committing a *haram* act through advocating Gonadi Dervish beliefs". In its comments on the present report, the Government rejected the notion that the Reza Nursing Home was shut down because of the beliefs attributed to its owner, and alleged instead that the closure was related to a lack of proper licenses to run the centre. The Government also said that the flogging sentence against Mr. Salehian had not yet been carried out. The Special Rapporteur calls upon the Government to remove the flogging sentence of Mr. Salehian.

VI. Conclusions and recommendations

92. **The Special Rapporteur is alarmed by the rate of executions reportedly taking place in the Islamic Republic of Iran. He recognizes the severe conditions facing the Islamic Republic of Iran and other countries in the region that also serve as major transshipment points for narcotics smugglers, and acknowledges the significant costs to security, health and development engendered by these circumstances.**

93. **However, the safeguards guaranteeing protection of the rights of those facing execution, approved by the Economic and Social Council in its resolution 1984/50, limit the scope of the death penalty to "intentional crimes with lethal or other extremely grave consequences", and the international human rights mechanisms have narrowed this interpretation of "most serious crimes" to mean those "cases where it can be shown that there was an intention to kill, which resulted in the loss of life".**

94. **The Special Rapporteur urges the authorities to consider examining the merits of views shared about the root causes of drug abuse and crime in the Islamic Republic of Iran, along with proposals that urge it to re-examine the deterrent effects and human rights implications of the country's drug policies, given the ongoing influx of narcotics, rising abuse in the country and the brutalizing effect that the use of capital punishment has had on respect and protections for the right to life in the country.**

[68] See http://articleeighteen.com/fa/news/13-christians-sentenced-to-prison-isfahan/.

95. **The Special Rapporteur appeals to the authorities to place a moratorium on the use of executions for all crimes not considered "most serious" under international law, and to consider working with international and national stakeholders to amend its laws in line with the international human rights conventions to which the Islamic Republic of Iran is a party. Such an initiative would likely have a significant impact on the use of the death penalty in the country.**

96. **The Special Rapporteur also remains concerned about ongoing activities that constitute derogation from international human rights obligations to respect freedom of expression, association, peaceful assembly and access to information. Restrictions on freedom of expression are a serious abrogation of human rights and are incompatible with the Government's obligations under the International Covenant on Civil and Political Rights. The Special Rapporteur urges the authorities to ensure that persons are protected from acts that impair the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives, which is essential to the protection of other rights.**

97. **The United Nations Human Rights Committee asserted that "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation".[69] The Special Rapporteur remains concerned that existing laws and draft legislation, appear to unreasonably exclude individuals from standing for public office on the basis of gender, religion, political affiliation, opinion and social or personal background. The Special Rapporteur encourages the authorities to reconsider statutes that place unreasonable conditions on the exercise by all Iranian citizens of rights protected by article 25 of the Covenant.**

98. **The Special Rapporteur welcomes recent efforts to address both violence against women and inequities in education and economic participation. He encourages the Government to amend laws that continue to undermine women's full enjoyment of civil political, social, and economic rights, including rights in family law, the right to equal access to education and the right to work. Draft legislation currently under consideration that appears to infringe on these rights raises serious concern, and should be reconsidered.**

99. **Restrictions on the rights of religious minorities in the Islamic Republic of Iran remain deeply concerning. Adherents of recognized and unrecognized religions continue to report arrests and prosecution for worship and participation in religious community affairs, including in private. Measures that exclude religious minorities from legal protections for civil, political, social or economic rights, or that impose special restrictions on the practices or manifestations of religious beliefs continue to violate the obligations of the Islamic Republic of Iran under the Covenant and should be addressed.**

100. **The Special Rapporteur continues to be disturbed by reports from members of ethnic minority communities regarding arbitrary arrests, detentions, and prosecution for protected activities that promote social, economic, cultural and linguistic rights. Interviewees continue to report that**

[69] General comment No. 25, para. 15 (see CCPR/C/21/Rev.1/Add.7).

they were mistreated during their arrests, tortured during interrogations, and subject to unfair trial standards. The Special Rapporteur urges the authorities to recognize that dialogue and inclusive participation of all the citizens in a diverse society can form the basis of enduring initiatives that address poverty and development, and can also serve to strengthen protections for the rights of all ethnic minorities in the country. He further encourages the authorities to ensure that the rights of the members of the country's most vulnerable communities are protected and respected.

101. **The Special Rapporteur remains concerned over the administration of justice in the country. The Special Rapporteur is particularly concerned about the recent amendments to the already approved Criminal Procedure Code of 2014, which appear to restrict detainees' access to the attorney of their choice during the investigation phase of their case. The Special Rapporteur encourages officials to reconsider amendments that would undermine the initially positive efforts to facilitate access of detained suspects to legal counsel during the investigation phase of their cases.**

102. **The Special Rapporteur continues to encourage the Government to increase its engagement with the United Nations human rights mechanisms, including his mandate, in order to establish meaningful dialogue and cooperation in furtherance of the pledges undertaken by President Rouhani's administration, and for the successful advancement of recommendations made in the universal periodic review that enjoyed the support of the Government in 2015.**